

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SEATTLE PACIFIC UNIVERSITY,

CASE NO. 22-5540 RJB

Plaintiff,

ORDER ON DEFENDANT'S
MOTION TO DISMISS

ROBERT FERGUSON, in his official capacity as Attorney General of Washington,

Defendant.

This matter comes before the Court on the Defendant's Motion to Dismiss. Dkt. 15. The Court has considered the pleadings filed regarding the motion and the remaining record. It is fully advised.

On July 27, 2022, Seattle Pacific University (“SPU” or “University”) filed this case after receiving a letter from the Washington State Attorney General Robert Ferguson’s Office (“AGO” or “Washington”) informing the University that it “was opening an inquiry to determine whether the University is meeting its obligations under state law . . . specifically . . . employment policies and practices that permit or require discrimination on the basis of sexual orientation . . .”

1 Dkt. 1. The University is seeking declaratory relief and an injunction “prohibiting the [AG] from
2 continuing with the current probe.” *Id.*

3 On August 18, 2022, Washington moved to dismiss the case under Fed. R. Civ. P. 12(b),
4 arguing that the University’s claims are not justiciable, that even if they were, the abstention
5 doctrine announced in *Younger v. Harris*, 401 U.S. 37 (1971), applies. Dkt. 15. Washington
6 further argues that the case should be dismissed for failure to state a claim on which relief can be
7 granted. *Id.* On September 2, 2022, the University filed an Amended Complaint. Dkt. 16.

8 Pursuant to Fed. R. Civ. P. 15(a)(1)(B), “a party may amend its pleading once as a matter
9 of course . . . 21 days after service of a motion under Rule 21(b) . . .”

10 Washington’s Motion to Dismiss (Dkt. 15) should be denied without prejudice. SPU
11 filed an Amended Complaint as is its right under Rule 15(a)(1)(B). The University did not file
12 any other response to the motion to dismiss and Washington did not file a reply.

13 Accordingly, it is **ORDERED** that:

14 The Defendant’s Motion to Dismiss (Dkt. 15) **IS DENIED WITHOUT PREJUDICE.**

15 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
16 to any party appearing pro se at said party’s last known address.

17 Dated this 12th day of September, 2022.

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20 ROBERT J. BRYAN
21 United States District Judge
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